

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON BUSINESS, CONSUMER, AND REGULATORY AFFAIRS
DRAFT COMMITTEE REPORT

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Members of the Council of the District of Columbia

FROM: Councilmember Vincent B. Orange, Sr.
Chairman, Committee on Business, Consumer and Regulatory Affairs

DATE: May 30, 2013

SUBJECT: Report on Proposed Resolution 20-0125, “Vending Business License Disapproval Regulation Resolution of 2013”

The Committee on Business, Consumer and Regulatory Affairs, to which PR 20-0125, the “Vending Business License Regulation Disapproval Resolution of 2013,” was referred, reports favorably thereon and recommends approval by the Council of the District of Columbia.

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I. BACKGROUND, PURPOSE AND EFFECT

Proposed Resolution 20-0125, the “Vending Business License Regulation Disapproval Resolution of 2013” would disapprove rules proposed by the Department of Consumer and Regulatory Affairs (“DCRA”) to improve management of vending operations throughout the District of Columbia. The proposed rulemaking amends the following chapters of the District of Columbia Municipal regulations: Chapters 5 of Title 24; Chapters 5 of Title 17; and Chapter 33 of Title 16. This resolution marks the District government’s fourth attempt to promulgate rules

to regulate vending business licenses since the enactment of Bill 18-257, the “Vending Regulation Act of 2009,” in October 2009. The three previously proposed sets of rules were dated June 25, 2010; January 20, 2012; and October 5, 2012; with the most recent proposed resolutions dated February 8, 2013.

Early Vending History in the District

Congress first authorized the Commissioners of the District of Columbia (predecessors to the Council of the District of Columbia) to regulate street vending in 1887. For the next 87 years the Commissioners enacted regulations to maintain the vending program. By 1974, the vending program had fallen into severe disarray; the regulations had become “vague and practically impossible to enforce. When strictly construed, the regulations operated to force vendors off most of the City’s streets”¹

In 1974, the District promulgated Police Regulation No. 74-39, which sought to clarify the vending regulations that had been in effect (as amended) since 1887. However, the 1974 revisions ultimately proved ineffective. As a result, the Council introduced and passed Bill 2-217, which transferred from the Council to the Mayor the authority to regulate the District’s vending program.

The Moratorium

By 1998, vending in the District had again evolved and the regulations needed to be updated. Competition had increased, vendors fought over locations and customers and the program lacked effective oversight and enforcement. The District had no systematic means of collecting taxes and other fees. Concern grew that vending in the district was essentially unchecked.

Recognizing the problem, the Council passed Bill 12-144, the “Omnibus Regulatory Reform Amendment Act of 1998,” which imposed what was intended to have been a temporary moratorium on new sidewalk and roadway vending licenses until the Department of Consumer and Regulatory Affairs (“DCRA”) could complete a study on vending and public space management. It took DCRA 8 years, however, to complete this study, over which time the vending program reform continued to stagnate.

Moratorium Amendment Legislation

In 2004, six years into the moratorium, DCRA contracted the Public Space Planning And Management Corporation (“PSPMC”), a subsidiary of the Downtown Business Improvement

¹ See Committee Report for Bill 2-217, the “Vendors Regulations Amendments Act of 1978”.

District (“Downtown BID”), to conduct the study through a pilot demonstration program. That program was conducted in a 35 square block area within the central vending zone called the “demonstration area,” which was within the Downtown BID.

While DCRA conducted its study, the Council enacted D.C. Law 16-72, the “Vending Licensing Moratorium Amendment Act of 2005,” which entitled PSPMC to issue 29 licenses to be used as necessary and appropriate to further the purposes of the vending demonstration program licenses; and to require that a moratorium on the issuance of new vending licenses in the District be lifted no later than October 15, 2006.

In June 2006, DCRA submitted a report summarizing best practices and recommendations on the identification and assignment of vending sites, enforcement of the vending law and the process for lifting the moratorium. In December of 2006, the Council approved emergency and temporary legislation (Bills 16-1015 and 16-1016) to grant DCRA and DDOT the authority to implement this new system. In March 2008, and again in January 2009 the Council had to pass emergency and temporary legislation (Bills 17-652 and 17-653) for another time to maintain the authority necessary to continue the new vending program but which expired December 2009. In response, the Council passed the Vending Regulations Act of 2009 to reestablish a permanent vending program in the District.

The Vending Regulations Act

The Vending Regulations Act of 2009 meant to permanently lift the vending moratorium that had been established by the Council through the Omnibus Regulatory Reform Amendment Act of 1998. The Act was developed in concert with vendors, brick and mortar businesses, and residents and was based on public feedback, surveys, studies, trial and errors and several revisions in hopes of revitalizing vending in the District.² In effect, the Act authorized the Mayor to charge fees for permits and create a clear set of rules to regulate and oversee the District’s vending program.

Since the enactment of the Vending Regulation Act of 2009, however, city agencies have struggled to develop the rules required by the Act that satisfy all parties. PR 20-0125 represents the fourth attempt. The first proposed regulations distinguished between the various forms of vending within the District as well as the location and mobility of the vendor. The second proposed regulations eliminated the current requirement that a vendor business license may only be issued to sole proprietors thereby allowing vendors to incorporate, create LLCs, partnerships or other types of business entities. The third proposed regulations allowed for one person to be hired by and work for more than one vendor thus allowing for greater employment opportunities.

² See Committee Report for Bill 18-0257, the “Vendors Regulations Amendments Act of 2009”.

The fourth and current proposed regulations establish a schedule of civil infraction fines for violations of the regulations and create an appeals process with the Office of Administrative Hearings. Despite the continuing refinement and improvement – more works needs to be done

During the period of time in which the regulations have been redrafted, food trucks industry in the city has also been reshaped. This change involves not only by the food industry's ability to provide new and innovative dining options, but by social media tools, such as Facebook and Twitter, which have greatly impacted the way that many market to customers and increase their accessibility.

This Committee recognizes that the current status of mobile vending regulation in the district has resulted in a great amount of confusion and uncertainty among vendors, the business community, and the general public. Regulations are greatly needed, but the fourth proposed regulations are not yet sufficient. There remain a few issues that need to be ironed out, but the Committee is confident that a proper resolution while be accomplished soon. As such, the Committee recommends disapproval at this time.

II. LEGISLATIVE CHRONOLOGY

March 08, 2013	PR 20-0125, the “Vending Business License Regulation Resolution of 2013” is introduced to the Office of the Secretary by Chairman Mendelson at the request of the Mayor
March 11, 2013	PR 20-0125 is referred to the Committee on Business, Consumer and Regulatory Affairs with comments from Committee on Transportation and the Environment.
March 29, 2013	Notice of Public Roundtable on PR 20-0125 is published in the <i>District of Columbia Register</i>
April 12, 2013	Notice of Public Roundtable (Revised) on PR 20-0125 is published in the <i>District of Columbia Register</i>
May 10, 2013	The Committee on Business, Consumer and Regulatory Affairs holds a Public Roundtable on PR 20-0125.
May 31, 2013	The Committee on Business, Consumer and Regulatory Affairs marks-up PR 20-0125.

III.POSITION OF THE EXECUTIVE

Nicholas Majett, Director of DCRA and Terry Bellamy, Director of DDOT, testified on behalf of the Executive in support of PR 20-0125 at the May 10, 2013 Public Roundtable on the proposed regulations. Their testimony is summarized below. Saul Levin, Interim Director of the Department of Health, submitted testimony in favor of the proposed regulations as well.

IV.COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee did not receive comments from any Advisory Neighborhood Commission on PR 20-0125.

V. SUMMARY OF TESTIMONY

The Committee on Business, Consumer and Regulatory Affairs held a Public Roundtable on PR 20-0125 on Friday, May 10, 2013. The testimony summarized below is from that roundtable. A copy is attached to this report. The Councilmembers in attendance included the Committee's Chair, Councilmembers Jim Graham (Ward 1) and David Grosso (At-Large).

Government Witnesses

Nicholas MaJett, Director, Department of Consumer and Regulatory Affairs (DCRA) and Terry Bellamy, Director, Department of Transportation (DDOT) testified in support of the proposed regulations in 20-125, the Vending Business Regulation Resolution of 2013. Their testimony states that vending business contributes approximately \$760,000 in annual sales tax revenue to the District and that a clear regulatory framework is needed to properly regulate the operation of these businesses. Vincent Parker, Manager of Vending and Special Events, Department of Consumer and Regulation Affairs, Sam Zimbabwe, Associate Director, Policy, Planning and Sustainability Administration, District Department of Transportation and William Howland, Director, Department of Public Works were all available to answer questions, but did not provide written testimony.

During his testimony, Majett said that if these proposed regulations are not approved and the District government was to strictly enforce the current laws and requirements for food trucks it would have a drastic and immediate impact on the District's vibrant food-truck industry." Both Councilmember Orange and Grosso did not appreciate the implication that DCRA would enforce the old regulations, which requires vendors to pull over only when people are waiting and to leave when their line of customers has disappeared, if the Council did not vote favorably on these regulations. However, the DCRA director said his agency regularly finds itself criticized

— by restaurants, the public and the council itself — for not holding food trucks to the city’s laws.

Mr. Majett said the DCRA had been holding off on enforcing the laws during the now-four-year rulemaking process but that if proposed regulations fail again, the agency might feel more pressure to enforce the admittedly out of date rules.

Public Witnesses

Brenda Sayles, Open Air Merchant Association, testified concerning RFK sight assignments and the vendors concerns regarding competing in a lottery system at the ball park. The hours of operations of the ball park are different than other parts of the city and they have to pay sight permits that are different than other vendors. These merchants feel all vendors should be treated fairly that want to vend on public space.

Doug Povich, Food Truck Association of Metropolitan Washington (“FTA”), testified in opposition of the regulations. Although the FTA says the existing regulations are not ideal, they do allow for mobility. He acknowledged that roadway and parking congestion are issues that need a solution. To that end, FTA is fine with paying for parking spots but would prefer objective criteria detailed in the regulations explaining vending locations. He also mentioned that FTA would prefer a more equitable way to share vending locations other than a lottery system. The final two concerns he mentioned in his testimony were regarding distance restrictions. The FTA is against the 500ft buffer around MRVs as they don’t deem it necessary and believe it is too onerous (as it would cut off 8 square blocks). Additionally, the 10ft sidewalk unobstructed sidewalk criteria is a concern to FTA.

Hyung (Andy) Le, Korean Vendors Association, testified in opposition of the regulations as section 549.1-3 restrict commercial advertisement for vendors when other businesses are able to advertise on their own private property. His testimony includes that a number of roadway vending trailers have been carrying Wrigley’s advertisements for the past decade without issue.

Che Ruddell-Tabisola, Food Truck Association of Metropolitan Washington, testified in opposition of the proposed regulations highlighting the negative impact they would have on the food truck industry. He stated that FTA supports most of the proposed regulations but are opposed to ones that have nothing to do with public health and safety but rather restrict competition and consumer choice. He also stated that FTA would appreciate more clarity and direction with regards to how to comply with the regulations.

Kathy Hollinger, Restaurant Assoc. Metropolitan Washington (“RAMW”), testified in support of the regulations. RAMW believes that food trucks, and all businesses, should be subject to

reasonable regulations to assure public safety. RAMW's concern is over the competition for public space. As all other aspects of public space are managed and regulated, RAMW believes food trucks should also be subject to equal regulation and oversight. They see these regulations are the beginning of a reasonable system for addressing the issues at hand.

Greg Casten, Tony & Joe's/Pro Fish, testified in support of the regulations stating they provided a needed starting ground. He worries that without regulations there cannot be a level playing field for those trying to work in the food industry.

Gavin Coleman, Dubliner Restaurant, testified in support of the regulations given that the regulations will restrict or limit the number of food trucks in certain areas. He also asked the government to help and respect businesses that are actually based in the District rather than those based in Virginia and Maryland. He expressed concern over the blocked parking spaces, which limit the amount of spaces his guests can utilize.

Andrew Kline, Legislative Representative Assoc. Metropolitan Washington, emphasized the benefits of the MRVs for government regulators that can concentrate resources within the zones. He further clarified the 10 ft requirement comes from other aspects of public space management and is ultimately meant to leave area for pedestrian foot traffic.

Bret Tarantuzer, Federal Communications Commission, testified in opposition of the regulations. He warns of the lack of fairness and efficiency in the proposed lottery system. It is an inequitable distribution that will negatively impact food trucks competition and consumers choices. He notes that not all parking spots within an MRV are equal and thus the lottery offers an inefficient allocation system because it is random rather than based on the actual price of the location. He claims the District is foregoing revenue by not offering the right to park at better spots for higher prices.

Matt Geller, Southern California Mobile Food Vendors Association, testified in opposition. He stated that D.C is currently on the right path and can be one of the best food truck locations in the nation but there are a few things in the way of a thriving industry. He says Los Angeles approaches food trucks as if they were more like walk up windows than sidewalk cafes. And regulate the public space around the truck as such. He also expressed his concern over the lottery system, which will not allow food trucks to thrive because it limits their ability to move arrange and gauge market.

Kristi Whitfield, Former Executive Director, Food Truck Association of Metropolitan Washington, testified in opposition of the regulations. She advocated for clear and objective standards that will allow everyone to understand how the industry is to be regulated. Further, she

asks that new regulations are quickly established and that they handle the “real issues” and not the “red herrings.”

Justin Vitarello, Fojol Bros., testified in opposition of the regulations. He is concerned about the regulations decreased mobility and the limited hours of operations. He believes food trucks should be able to be open 24 hours if they choose to meet whatever demands. He also notes that the MRV locations should not be limited to downtown but should also include locations where people live.

Caroline Kruger, Regional Senior Property Manager- Boston Properties and Nicola Y. Whiteman, Apartment & Office Building Assoc., supports street vending as it can act as a economic stimulus. They testified that these regulations are the first step to a comprehensive, holistic approach to vending regulation. They believe the regulations should include a provision requiring DCRA and DDOT to periodical review the zones so that they continued to meet the stated purpose.

John Gaber, University of Arkansas, testified in opposition of the regulations. He highlighted that street vending is not a new issue but rather one cities have been dealing with for centuries. He cautions our intent to look at this as a geographic issue, which he says is problematic. Ultimately, he believes that economic demand should drive vendors not government defined locations.

Kristina Kern, Stella’s Popkern, testified in opposition of the regulations. She posited that food trucks are viable business options that enabled people with less financial resources to work in an entrepreneurial way. She says that if the proposed regulations were in place when she was considering opening a food truck, she would not have gone forward with the idea, which is no providing for her and her daughter.

Mike Lenard, TaKorean, testified in opposition of the regulations. He is concerned about the uncertainty in, or lack of, an appeal process. He favors clearer criteria written down in te regulations rather than oral promises of 180 vending locations. He blieves that the 10 ft rule is arbitrary. He is further concerned about the lottery putting him out of business one month if he were not given a location to vend. He opines that no one can put their job on hold for a month and wait until the next round of lottery assignments. Lastly, he is concerned over the amount of discretion DDOT has over the creation and dismantling of MRV locations.

Willie Carter, Willie’s Po Boy, testified in opposition of the regulations. He notes that food trucks provide a great opportunity for high school graduates to enter the workforce and own and start up their own companies.

Scott Lauermann, George Washington Student Association, testified in opposition of the regulations. He testified that food trucks play an important role on the GW campus and is worried by the proposed regulations limiting the number of trucks on campus to 3 when there are often many more than that. He says the trucks are vital to the GW community, which wants to help expand food truck involvement on campus, not limit it.

Steven Loeb, LOEB'S Restaurant testified in support of the regulations. He wants food trucks to be regulated in a fair way. He offers deli food at a similar price point as many food trucks, which illegally park in front of his small family own business may cause him to close. He also likened the food trucks crowding Farragut Square every morning to "the Wild West" and said it can also be a safety hazard.

Tadd Ruddell-Tabisola, BBQ Bus, testified in opposition of the regulations. Protecting brick and motor in the name of competition is unfair, he says. He believes the government should not limit dinning choices or change policy for special interest or lobbying groups.

Victoria Harris, Media Consultant, believes the regulations kill spirit of entrepreneurship that is so vital to food truck success.

Saad Jallad, Crepeaway, testified in support of the regulations. He made the point that food trucks are not incentivized to following parking laws, such as one hour time limits, because they are commercial businesses making money rather than private citizens needing a place to store their car. He attests that parking in front of his business is dangerous and difficult from 9am and 2pm every Monday thru Friday due to vending truck operators.

Arianne Bennett, Amsterdam Falafel, testified in support of the regulations. She says the behavior of food trucks is unacceptable; they are unsafe and illegal. Further, she believes they are disrespectful to brick and mortar business in that they use their bathrooms, park in front of them selling the same food and leave their trash out. These practices, she believes, are hurting long standing brick and mortar businesses

Sam Whitfield, Curbside Cupcakes, testified in opposition of the regulations. He stated that it is not role of government to regulate competition but rather to regulate health and safety. He acknowledges that these regulations are close but still not quite there. He is concerned that the interpretations of the regulations keep changing and are unclear. For instance, he pointed out that the application of the 10 ft. rule was explained in a new way at the roundtable. He is also concerned over the unintended consequences of requiring licenses for "all employees," which would include even those not on trucks. He asks if an impact study has been conducted and that its too risky to wait to see the effect of these regulations after they are implemented.

Lastly, he explains that the 500 ft. rule is arbitrary and would ultimately hurt his business model. His truck only stays an hour at each place per day. These regulations would not allow him to operate as he has been.

Jackson Carnes, ANC Commissioner 2A-07, testified in opposition of the regulations. He asserts that they stifle entrepreneurial spirit by defining the MRV locations. He disapproves of the one size fits all approach.

Bert Gall, Institute of Justice, testified in opposition of the regulations. He believes the regulations are arbitrary and anti-competitive. He thinks the government should focus on passing laws that regulate public health and safety. He disapproves of the 10 ft rule – no other city has it and the city should be able to think of a more flexible approach. Also, he believes the government has no sound policy reason behind implementing the 500 ft rule.

Asher Huey, Ward 5 Resident and Labor Activist, testified in opposition of the regulations because they do not solve any of the issues at hand. Further, she believes food trucks are beneficial because they create jobs.

Josh Saltzman, PORC, testified in opposition of the regulations. He says the government cannot regulate innovation out of business. Food trucks are an innovative new business model. He wouldn't have opened a food truck if these regulations were in place when he was starting. He reminds the Council that in both food trucks and brick and mortar establishments are in the food services business and there are disadvantages and advantages to both, but the point of the regulation is not to prevent or restrict growth of one over the other.

Jaime Leeds, Hank's Oyster Bar, testified in opposition of the regulations. She stated that all food truck owners want are regulations that are fair. She takes issue with the lottery system as a brick and mortar owner, she would never want to let her business up to chance like that.

Tom MacDonald, DC Slices, has experience with lottery system for vendors. He testified in opposition of the regulations saying that they created a game of chance.

Gina Cordero, Food Truck Supporter, works in federal building with limited lunch options. Before food trucks frequented the area, her colleagues would often drive to Virginia for lunch.

Craig Barsi, That Cheesecake Truck/Sweetz Cheesecake, believes that special interest and the mayor should not legislate food trucks out of business. The current regulations do not give food trucks the power to remain competitive

Mikala Brennan, Hula Girl Truck, testified in opposition of the regulations. Says food trucks are a big part of the way the rest of the country sees this city. They act to vibrancy of culture and activate unused space in the city and should be supported.

Gauri Sarin, Something Stuffed, testified in opposition of the regulations. Says food trucks can serve as a catalyst for other business ventures. They add to the economy by meeting people where they are and bringing food to barren areas.

Vy Trieu, Roadway Vendor, would like more information from DCRA as to how they came up with the numbers. For instance, why is the monthly vending fee set at 450/month per location. Also, she is concerned that with the lottery now including mobile vendors, more locations will be needed. Yet, this will make it very hard to plan business out.

Michael Hamilton, In-My-Back-Yard DC, testified in opposition of the regulations as they give too much discretion to local officials with regards to MRV locations. Specifically, section 537 gives the directors of DCRA and DDOT the discretion to move and propose new MRVs at any time –needs a review process of some kind.

Levani Kechkhuashvili, Chef Driven, testified in opposition of the regulations because they jeopardize what food trucks are meant to do: go to the people and bring them food. This will make an already difficult cut throat business even more so. But, he believes it is possible to come to a full consensus.

Louie Hankins, Rito Loco, testified in opposition of the regulations as he thinks they will effectively end his business. Food trucks provided him an opportunity to start a business idea without the funding to start a brick and mortar location.

Ann Bran-Leis, DC Empanadas, testified in opposition of the regulations. If she has to close truck she will not be able to provide for herself and her family's health care needs. The success of her truck is providing for her family.

Jerry Trice, Chef Driven, testified in opposition of the regulations. Claims the proposed regulations would stifle how they do business in the District and many truck may leave the District –taking with them rent from kitchen space and employees. Believes the regulations will make D.C. an unfriendly city to operate a food truck.

Brian Farrell, Basil Thyme, testified in opposition of the regulations. He has a staff that needs to work fulltime with continuity and he needs to be able to ensure that. A lottery does not give that security.

Xavier Atizol, testified in opposition to the regulations. As a consumer, he says that food trucks are a great alternative. These regulations are prohibitive to food trucks and their staff but also the consumer.

Baylen Linnekin, Keep Food Legal, reminds the Council that no one has ever been sued for not discriminating against food trucks in favor of food freedom of choice. He says both brick and mortar restaurants and food trucks, if the regulations pass, are over regulated

Hamlin Lee, Food Truck Supporter, testified in opposition to the regulations. He appreciates the opportunity and choice that food trucks provide.

The government returned and reaffirmed their hope that the Committee would pass the proposed regulations. Councilmember Orange reemphasized his hope that the government will keep the momentum going and evolve with the times.

VI. IMPACT ON EXISTING LAW

PR 20-0125, as introduced by the Mayor, would amend the following chapters of the District of Columbia Municipal regulations: Chapters 5 of Title 24; Chapters 5 of Title 17; and Chapter 33 of Title 16, which amends vending regulations in order to achieve the safe, efficient, and effective management of vending throughout the District of Columbia. This rulemaking amends the name of the chapter and includes provisions governing vending licensure, vendor operations, the designation of sidewalk and roadway vending locations, public markets, vending development zones, street photography, and solicitation from the public space. In addition, the rulemaking amends fee for a Class C business license and establishes a schedule of fines for vending business license civil infractions.

The proposed regulations: (1) clarify the requirements for Class C licensees to operate public markets; (2) clarify provisions of the Vending Site Permits; (3) define and identify provisions of the Mobile Roadway Vending Site Permit; (4) adjust the boundaries of the Central Vending Zone; (5) amend the authorized locations of roadway vending locations; (6) amend the design standards for vending carts and vending vehicles; (7) amend the requirements for littering and customer lines; (8) amend the provisions regarding roadway vending to clarify the distinction between stationary roadway vending and mobile roadway vending; (9) add new requirements for mobile roadway vending locations; (10) outline the assignment of mobile roadway vending locations; (11) amend the requirements establishing and discontinuing a Vending Development Zone; (12) clarify provisions for soliciting in public space; (13) amend the requirements on accepting inventory or stock in the public space; (14) clarify the requirements of a vending depot; (15) amend the penalties provision; and (16) correct typographical errors, including the omission of provisions on street photography from the table of contents.

The Mobile Roadway Vending zones (“MRVs”) are areas where food trucks could sell meals between 10:30 a.m. and 2:30 p.m. without parking-meter time limits. The spots would be limited and assigned through a monthly lottery and winners would pay \$150 per vehicle per month to park in the zones. Vendors could sell meals in areas outside those zones if they park in legal spots and abide by meter restrictions. But those trucks would have to be at least 500 ft from the vending zones and would have to park in metered parking spots with at least ten ft of unobstructed sidewalk.

The proposed regulations would also open up 76 spots around the Mall and the Ellipse. Food trucks would enter a lottery for the spots, which would cost \$450 a month (three times the amount needed to secure a place in an MRV). The Mall locations would, however, have longer hours than the other zones.

VII. FISCAL IMPACT

The Committee adopts the Fiscal impact statement located in Attachment F.

VIII. SECTION BY SECTION ANALYSIS

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| Section 1 | States the short title of PR 20-0125 |
| Section 2 | Disapproves the Mayors proposed amendments to Chapters 5 of Title 24 of the District of Columbia Municipal Regulations, Chapter 5 of Title 17 of the District of Columbia Municipal Regulations, and Chapter 33 of Title 16 of the District of Columbia Municipal Regulations as proposed by the Department of Consumer and Regulatory Affairs (60 DCR _____, March 8, 2013). |
| Section 3 | Adopts the Fiscal Impact Statement contained. |
| Section 4 | Requires the Secretary of the Council to transmit a copy of this resolution, upon its adoption, to the Director of the Department of Consumer and Regulatory Affairs |
| Section 5 | Establishes the effective date by stating the resolution takes effect immediately. |

IX. COMMITTEE REASONING

After listening to all the testimony at the Public Roundtable, the Committee recommends the proposed regulations be disapproved. The Committee recognizes that a tremendous amount of work has been put into the promulgation of these regulations. Numerous community groups, businesses and individuals have dedicated time and input. The Committee is grateful to all of these individuals for this great service to the District of Columbia.

The regulations proposed through this resolution are nearly finished. There are a few remaining issues, however, that the Committee believes can be quickly worked out. First, the Committee would recommend that DCRA rethink or revise the restriction of advertisement delineated in section 549 of the proposed regulations. There is no similar regulation set by DCRA or DDOT prohibiting commercial advertisement on Pedi-Cabs, Taxis or Mobile Billboard Trucks operating in the District. As long as the advertisement on vending equipment meets a few predetermined guidelines, it should be permitted.

With regard to vending at farmers' markets, the Committee asks that DCRA revise the requirements set forth in proposed Sections 517 and 519, which require DOH to issue a health inspection certificate prior to the issuance of a Class C Vending Business License. In practice, this requirement is infeasible as farmers markets are not in existence prior to the day of operation and therefore cannot be inspected. Thus, due to their seasonal and temporary nature, the majority, if not all markets will not be in operation prior to the issuance of Class C Vending Business License, and DOH will not be able to conduct an inspection of the persons selling goods at a farmers' market until the market begins operations. However, markets can not open until having the Vending Business License, which requires an inspection beforehand, which is impossible to do before market season begins.

Additionally, the committee requests DCRA reevaluate the 10 ft and 500ft buffer zones. As stated in Mr. Majett's testimony, once created, no other food trucks would be allowed to park and vend within 500feet of the designated MRV location. The agency has not provided a valid reason as to why this regulation is necessary. The 10 ft requirement of adjacent, unobstructed sidewalk space for food trucks to park outside of the MRV's is similarly confusing. The Committee recommends doing away with these requirements.

X. COMMITTEE ACTION

On May 31, 2013, the Committee on Business, Consumer and Regulatory Affairs met to consider B20-0125, the "Vending Business License Regulation Disapproval Resolution of 2013". Chairperson Orange began the mark-up by determining the presence of a quorum consisting of Councilmembers_____.

Following an opportunity for discussion, Chairperson Orange moved for the approval of the proposed resolution and Committee Reports for B20-0125 with leave to staff to make technical and conforming changes. The Committee voted to approve the Committee Prints and Committee Reports for B20-31, with members voting as follows:

Committee members voting in favor:

Committee members voting against:

Committee members absent:

Committee members voting present:

The meeting adjourned at:

XI. ATTACHMENTS

- A. PR20-0125 as introduced
- B. Notice as Published in the *District of Columbia Register*
- C. Public Hearing Notices
- D. Witness Lists
- E. Public Testimony
- F. Fiscal Impact Statement
- G. Attestation of Legal Sufficiency
- H. Committee Print